



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
REGULATORY BRANCH, MCE SECTION
6855 STATE ROAD 66
NEWBURGH, INDIANA 47630
October 3, 2016

Operations Division
Regulatory Branch (West)
ID No. LRL-2013-00635-gjd

Mr. Ken Rogers
United Minerals Company, LLC
566 Dickeyville Road
Lynnville, Indiana 47619

Dear Mr. Rogers:

This is in regard to your application for Department of the Army authorization to discharge dredged and/or fill material into "waters of the United States" located at the Seven Hills Mine Site, northwest of Boonville, in Warrick County, Indiana as outlined in your application, revised and submitted on January 19, 2016. The Corps of Engineers exercises regulatory authority under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

In reviewing your proposal, we considered possible consequences of this proposed work in accordance with regulations published in 33 CFR Parts 320 to 330 and 40 CFR Part 230. It is our determination that this project does constitute a major Federal action that has the potential to significantly affect the quality of the human environment, and requires the preparation of an Environmental Impact Statement (EIS). In accordance with Regulatory Guidance Letter 05-08, dated 7 December 2005 and *Guidance on Environmental Impact Statement Preparation, Corps Regulatory Program* dated 17 December 1997, the Corps is required to prepare an EIS on a permit action through the use of a third party contractor paid by the applicant, but who is selected and supervised by the Corps.

Enclosed for your reference is a copy of Regulatory Guidance Letter 05-08, dated 7 December 2005 and *Guidance on Environmental Impact Statement Preparation, Corps Regulatory Program*, dated 17 December 1997.

The potential for an EIS has been discussed with you and other representatives from Peabody Energy during various meetings regarding this proposed project. With this process, the Corps is requiring a 3rd Party EIS. As such, we need to begin the process of developing a list of potential contract consultants. These consultants should be able to demonstrate a working knowledge with the National Environmental Policy Act and Section 404 of the Clean Water Act.

If we can be of any further assistance, or if you have any questions regarding this letter, please contact us by writing to the above address, ATTN: CELRL-OPF-MCE, or call Mr. George DeLancey at (812)842-2807. Any correspondence on this matter should refer to our ID Number LRL-2013-00635-gjd.

Sincerely,

ORIGINAL SIGNED

Michael Ricketts
Chief, MCE Section
Regulatory Branch
RECORD COPY

Enclosure

Copy furnished:

Indiana Department of Environmental Management